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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,499	05/23/2001	Takuro Kitayama	450100-03240	9370
20999	7590	06/03/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LAO, SUE X	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 06/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary

Application No.

09/863,499

Applicant(s)

KITAYAMA, TAKURO

Examiner

S. Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-6 are presented for examination.
2. The disclosure is objected to because of the following informalities: Abstract, line 22 recites "the table and the table". Appropriate correction is required.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
Claim 3-6 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoumura et al (U S Pat. 5,878,262) in view of Gosling (U S Pat. 5,367,685).
As to claim 1, Shoumura teaches software development, wherein first componentware (function having ID 30) and second componentware (module having ID 26) to be a reference source (reference source) of the first componentware are

linked to each other (tables shown in fig.s 45A, 45B) during loading (load, col. 32, lines 30-51). See col. 9, lines 35-57; col. 30, line 63 - col. 31, line 26; fig. 45A, 45B. Shoumura further teaches:

providing the first componentware (function having ID 30) by replacing symbol name (main) to be referred externally with a symbol ID (ID 30) for identifying the symbol name (col. 32, lines 18-51; fig.s 48A, 48B); and

providing the second componentware (module having ID 26) by replacing a symbol name (obp_main.c) to be referred externally in the second componentware to be the reference source (reference source) for the first componentware with a symbol ID (ID 26) for identifying the symbol name (col. 30, line 63 - col. 31, line 26; fig. 45A, 45B),

wherein the first and second componentwares are linked to each other based on the symbol ID (via table shown in fig. 48B). See col. 9, lines 35-57; col. 32, lines 18-51; col. 30, line 63 - col. 31, line 26.

shoumura does not explicitly teach providing first and second componentware is through generating.

Gosling teaches software development, wherein providing one or more componentware is through generating (hybrid compiler-interpreter which rewrites a symbolic reference into a numeric reference, col. 2, lines 31-59). Therefore, it would have been obvious to provide the first and the second componentware through generating in Shoumura. One of ordinary skill in the art would have been motivated to apply the teaching of gosling to Shoumura because this would have provided improved execution performance (Gosling, col. 2, lines 11-31) to Shoumura.

As to claim 3, Shoumura as modified teaches creating a list (tables shown in fig.s 45B, 48B) indicative of a correspondence relationship (record fields) of the symbol name (symbol name) and the symbol ID (resource ID) when generating the first componentware at the step of generating the componentware to be a referent / first componentware. Shoumura further teaches when generating the second componentware (resource of ID 26) at the step of generating the componentware to be a reference source (reference source being the modle with ID 26), the symbol name

(obp_main.c) is replaced with the symbol ID (ID 26). See discussion of claim 1 for detail. As to using the list created, Shoumura clearly uses the resource correspondence information of fig.s 45A,B and 48A,B during linking/loading (col. 32, lines 30-51).

7. Claims 2, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoumura et al in view of Gosling as applied to claims 1, 3 and further in view of Kitadate (U S pat. 5,721,924).

As to claim 2, Kitadate teaches software development, wherein a component ID (block ID) for identifying a first componentware (referred-to variable) is added to the first componentware (fig. 3B). Kitadate teaches referring to the first componentware based on the component ID (block ID) and the symbol ID (symbol element number). See col. 8, lines 38-58; col. 17, lines 34-41. Therefore, it would have been obvious for the second componentware to refer to the first componentware in Shoumura based on the component ID and the symbol ID. One of ordinary skill in the art would have been motivated to apply the teaching of Kitadate to Shoumura as modified because this would have provided faster access to the componentware (Kitadate, col. 3, lines 3-13).

As to claim 4, in Shoumura, the symbol name and the symbol ID for a particular componentware/resource are recorded, together with other fields, in the same row/entry of a resource information table such as those shown in fig.s 38, 43, 45, 48, 56, 58. The data structure of such tables clearly indicates that each table is expandable and contractable by respectively adding and deleting one or more rows/entries. Like any other resource management table, when a resource is added to / deleted from the system, information regarding the resource is added to / deleted from the corresponding resource management table. Clearly in the tables shown in fig.s 38, 43, 45, 48, 56, 58, when a row/entry is added /deleted, all the fields of the row/entry, including the field of resource ID and the field of symbol name, are added/deleted in sync. Deleting a symbol name is explicitly taught by Kitadate (col. 10, lines 10-14). Therefore, it would have been obvious to add/delete symbol ID and symbol name for a particular componentware in Shoumura as modified in sync.

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As to claim 5, note discussion of claim 1 and note the equivalence of componentware to be referred from / first componentware, an external componentware / second componentware. Shoumura further teaches,

a componentware (resource, including programs, modules, functions, tools, etc) having a symbol information table (resource records) in which a symbol name (symbol name) to be referred externally is provided with a symbol ID (resource ID) for identifying the symbol name, the symbol ID is described in relation to reference place information (reference source and reference destination fields) about a symbol corresponding to the symbol ID. See Shoumura, fig.s 45B, 48B; col. 9, lines 35-57; col. 32, lines 18-51; col. 30, line 63 - col. 31, line 26. note discussion of claim 1 with respect to Gosling for replacing (rewriting). Implementing the teaching of Shoumura as modified with instructions recorded on a recording medium would have been obvious.

Shoumura does not teach including into symbol information table, a component ID for identifying a componentware, which is met by Kitadate (section/block ID), as discussed in the rejection of claim 2. Note rejection of claim 2 for a motivation to combine.

As to claim 6, note discussion of claim 5. Kitadate further teaches the component ID and the symbol ID are paired (col. 3, lines 20-22; col. 17, lines 38-41). Note discussion of claim 2 for a motivation to combine.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao 

May 21, 2004